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UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 IN RE: WARRANT FOR TRACKING
DEVICE FOR:

14 A 2007 White Kia Sedan,
15 bearing California License
plate 8NYR974, with VIN
16 KNAFE122475467920, registered
to Yadira Cruzbernal, 10708
17 Wright Rd Apt 23, South Gate,
California 90280 ("SUBJECT
18 VEHICLE #2")

No. 2:21-MJ-04531

GOVERNMENT'S EX PARTE APPLICATION
FOR AN ORDER POSTPONING SERVICE OF
WARRANTS AND REQUEST FOR SEALING;
DECLARATION OF MICHAEL SIER

(UNDER SEAL)

21 The United States of America, by and through its counsel of
22 record, the United States Attorney for the Central District of
23 California, hereby applies ex parte for an order pursuant to Federal
24 Rule of Criminal Procedure 41(f)(3) and 18 U.S.C. § 3103a(c)
25 delaying the service of the tracking device warrant previously
26 ordered in the above-captioned case. This application also seeks
27 leave to file this application and proposed order under seal.
28

1 This application is based on the files and records in the
2 above-captioned case, as well as the attached Declaration of Drug
3 Enforcement Administration Special Agent Michael Sier.

4 As stated in the declaration of Special Agent Michael Sier, on
5 September 29, 2021, this Court, upon a showing of probable cause by
6 the government issued a warrant authorizing the installation of a
7 tracking device. Federal Rule of Criminal Procedure 41(f)(2)(C)
8 states that within 10 calendar days after the use of the tracking
9 device has ended, the warrant must be served on the person whose
10 property was tracked; it further states that upon the government's
11 request, a court may delay the service required by this rule.

12 With respect to the showing necessary to justify a delay, 18
13 U.S.C. § 3103a(b) states that notice may be delayed if, inter alia,
14 the court finds reasonable cause to believe that providing immediate
15 notification of the execution of the warrant may have an adverse
16 result. An adverse result is defined in 18 U.S.C. § 2705 as
17 including the endangerment of the physical safety of a person;
18 flight from prosecution; destruction or tampering with evidence;
19 intimidation of potential witnesses; and serious jeopardy of an
20 investigation. Moreover, the Advisory Committee Notes for Fed. R.
21 Crim. P. 41(f)(3) state that delay of notice may be appropriate
22 where "the officer establishes that the investigation is ongoing and
23 that disclosure of the warrant will compromise that investigation."
24 Finally, Section 3103a(c) provides that:

25 Any period of delay authorized by this section may be
26 extended by the court for good cause shown, subject to the
27 condition that extensions should only be granted upon an
28 updated showing of the need for further delay and that
each additional delay should be limited to periods of 90
days or less, unless the facts of the case justify a
longer period of delay.

1 In this case, the original order permitted a delay of
2 notification for 30 days after the use of the device ended.
3 Pursuant to that original order, the tracking device was installed,
4 and continued to be used until November 19, 2021. Since the original
5 order, there were three additional delays. The first was signed on
6 December 20, 2021 by the Honorable Gail J. Standish, United States
7 Magistrate Judge. The second was signed on September 27, 2022 by
8 the Honorable Rozella A. Oliver United States Magistrate Judge. The
9 third was signed by the Honorable Alka Sagar United States
10 Magistrate Judge on December 22, 2022. As such notice is scheduled
11 to be provided on March 24, 2023.

12 As stated in the declaration of Special Agent Sier, the
13 immediate service of the order would place the investigation into
14 serious jeopardy because the investigation is ongoing and disclosure
15 of the warrant would compromise that investigation. Accordingly, for
16 good cause shown, the government seeks the delay of the service of
17 the warrant for a further period of 90 days.

18 Dated: March _24, 2023

Respectfully submitted,

19 E. MARTIN ESTRADA
20 United States Attorney

21 MACK E. JENKINS
22 Assistant United States Attorney
Chief, Criminal Division

23 /s/
24 _____
JEHAN M. PERNAS
Assistant United States Attorney

25 Attorneys for Applicant
26 UNITED STATES OF AMERICA
27
28

DECLARATION OF MICHAEL SIER

I, MICHAEL SIER, do hereby declare and affirm:

1. I am an investigator or law enforcement officer of the United States, within the meaning of Title 18, United States Code, Section 2510(7), and I am empowered by law to conduct investigations of, and to make arrests for, the offenses enumerated in Title 18, United States Code, Section 2516. I am a Special Agent of the Drug Enforcement Administration (DEA) and have been so employed since September 2012. I am currently assigned to the Los Angeles Field Division (LAFD), Los Angeles, California, Sensitive Investigations Unit, an enforcement group investigating narcotics trafficking and money laundering violations under Titles 18 and 21 of the United States Code. I have received 17 weeks of specialized training in Quantico, Virginia, pertaining to narcotics trafficking, money laundering, undercover operations, and electronic and physical surveillance procedures. I have been involved in investigations dealing with the possession, manufacturing and distribution of controlled substances.

2. This declaration is made in support of an application for an order pursuant to Federal Rule of Criminal Procedure 41 (f)(2)(C) and (f)(3), as well as 18 U.S.C. § 3103a(b), delaying the service of a GPS monitoring order obtained in this case. The facts set forth in this declaration are based upon my own personal observations, my training and experience, and information obtained during this investigation from other sources. This declaration is intended to show that there is good cause to delay service of the previously obtained warrant and does not purport to set forth all of my knowledge of, or investigation into, this matter.

1 On September 29, 2021, the Honorable Patricia Donahue, United
2 States Magistrate Judge, issued a federal warrant authorizing the
3 installation and use of a tracking device 2007 white Kia sedan,
4 bearing California License plate 8NYR974, with vehicle
5 identification number KNAFE122475467920 ("**Subject Vehicle #2**"). On
6 October 6, 2021, the tracking device was installed. On November 19,
7 2021, the use of the tracking device ended. The initial order
8 required service 30 days after the use of the device ended. Since
9 the original order, there were three additional delays. The first
10 was signed on December 20, 2021 by the Honorable Gail J. Standish,
11 United States Magistrate Judge. The second was signed on September
12 27, 2022 by the Honorable Rozella A. Oliver United States Magistrate
13 Judge. The third was signed by the Honorable Alka Sagar United
14 States Magistrate Judge on December 22, 2022. As such notice is
15 scheduled to be provided on March 24, 2023.

16 3. Based on my training and experience, I believe that good
17 cause exists to delay the service of the warrant for a further
18 period of 90 days because providing notification of the government's
19 monitoring of the **Subject Vehicle #2** is likely to jeopardize the
20 ongoing investigation. Because of the ongoing nature of this
21 investigation, providing notification is likely to cause adverse
22 results, including destruction of or tampering with evidence and
23 potential flight from prosecution. Specifically, because some of
24 the subjects of the investigation have ties to Mexico, I believe
25 that disclosure of the investigation may cause those individuals to
26 flee the country in attempt to avoid prosecution. I am also
27 concerned that notification would cause suspicion on the
28 Confidential Source and could place the Confidential Source's life

1 in danger. In addition, I believe that the disclosure of this
2 warrant could lead to the intimidation of potential witnesses other
3 than the Confidential Source.

4 4. For the foregoing reasons, I request that the service of
5 the warrant be delayed for a further period of 90 days. In addition,
6 because of the ongoing nature of this investigation, I further
7 request that both this application and the proposed order be filed
8 under seal.

9 I declare and affirm under penalty of perjury that the
10 foregoing is true and correct to the best of my knowledge.

11 Executed on March 24, 2023, at Los Angeles, California.

12
13 /s/ Michael Sier
MICHAEL SIER